

LOUISIANA PUBLIC SERVICE COMMISSION
MINUTES FROM MARCH 26, 2015
OPEN SESSION

MINUTES OF MARCH 26, 2015 OPEN SESSION OF THE LOUISIANA PUBLIC SERVICE COMMISSION HELD IN BATON ROUGE, LOUISIANA. PRESENT WERE CHAIRMAN CLYDE HOLLOWAY, VICE CHAIR SCOTT ANGELLE, COMMISSIONER FOSTER CAMPBELL, COMMISSIONER LAMBERT BOISSIERE, COMMISSIONER ERIC SKRMETTA and EXECUTIVE SECRETARY EVE KAHAO GONZALEZ.

Open Session of March 26, 2015, convening at 10:37A.M., and adjourning at 12:35P.M., Natchez Room, 602 N. 5th Street, 1st Floor, Baton Rouge, Louisiana, with the above-named members of the Commission and Executive Secretary Eve Kahao Gonzalez.

Ex. 1	<p>Announcements</p> <p>Commissioner Angelle recognized Mary “Annette” Romero for her service to the people of Louisiana and America. A Resolution was signed for presentation to her at a later date.</p> <p>Executive Counsel Brandon Frey announced the passing of former employee Ms. Joan Holley. Commissioner Holloway asked for a moment of silence.</p> <p>Executive Counsel Brandon Frey offered a reminder to all utilities that Annual Reports are due by April 30, 2015 or within 120 days of their fiscal year end if other than a calendar year end. Failure to do so will result in the assessment of a \$500 late filing fee.</p> <p>Executive Counsel Brandon Frey introduced LPSC’s new Auditor Monica Boudreaux.</p> <p>April B & E will be held on April 16, 2015 at 9:00am in Baton Rouge, Louisiana.</p> <p>Commissioner Holloway asked that the Commissioners to try to stick to scheduled dates as much as possible.</p> <p>Commissioner Holloway thanked AT&T for honoring fallen soldiers with their trucks displaying the American Flag.</p>
Ex. 2	<p>U-32740 - Louisiana Public Service Commission versus City Tele-Coin Company, Inc. In re: Alleged violations of Louisiana Public Service Commission General Order, dated September 19, 1998 and Order R-31891.</p> <p>In re: Discussion and possible vote on ALJ recommendation.</p> <p>(Ex. 9 on the February 26, 2015 B&E Agenda)</p> <p>Commissioner Campbell made a motion, seconded by Commissioner Boissiere, to confirm Judge Finnegan’s finding that surcharges by City Tele-Coin in addition to those contained in Commission rate caps are prohibited, confirm the judge’s finding that the 10-day Rule is not an appropriate defense in this case and remand the case to the judge to determine the number of violations by City Tele-Coin and the amount of money generated by those violations. Commissioner Holloway, Commissioner Skrmetta and Commissioner Angelle opposed; therefore the motion failed by a 3-2 vote.</p> <p>Commissioner Holloway made a motion, seconded by Commissioner Skrmetta, to accept the ALJ Recommendation, with the modification that the matter be dismissed with prejudice rather than without prejudice.</p> <p>On substitute motion of Commissioner Boissiere, seconded by Commissioner Angelle, with Commissioner Campbell concurring and Commissioner Holloway and Commissioner Skrmetta opposing the Commission voted to accept the ALJ recommendation.</p>
Ex. 3	<p>U-33332 - Louisiana Water Company, ex parte. In re: Request for an increase in its rates and fees for water service.</p> <p>In re: Discussion and Possible Vote on Proposed Uncontested Settlement Agreement.</p> <p>On motion of Commissioner Holloway, seconded by Commissioner Skrmetta, with Commissioner Boissiere and Commissioner Angelle concurring, and Commissioner Campbell temporarily absent, the Commission voted to accept Staff Recommendation on the Proposed</p>

	Uncontested Settlement Agreement.
Ex. 4	<p>S-33436 - The Dow Chemical Company, ex parte. In re: Petition for Jurisdictional Determination.</p> <p>In re: Discussion and possible vote on Staff recommendation.</p> <p>On motion of Commissioner Boissiere, seconded by Commissioner Angelle, with Commissioner Holloway and Commissioner Skrmetta concurring, and Commissioner Campbell temporarily absent, the Commission voted to accept Staff's recommendation approving the request for a determination of non-jurisdictional status with the following conditions:</p> <ol style="list-style-type: none">1. The ownership, lease, management, operation and maintenance, power transfers, fuel transfers, and any and all interests, whether arising from lease, mortgage, encumbrance, sublease or assignment, as described in the Petition, in and related to the Facilities will not render TDCC, NewCo or the Facilities, either individually or collectively, a "public utility" or an "electric public utility," as those terms are used or defined in Article IV, §21 of the Louisiana Constitution of 1974, La. R.S. 45:121, La. R.S. 45:1161, or La. R.S. 45:1164, or otherwise subject the Facilities or any of the Parties in Interest to regulation as a "public utility" or "electric public utility" by the Commission pursuant to the Louisiana Constitution, or any relevant Louisiana statute, Commission rule, order, regulation or practice.2. This Order is limited to the existing laws as of the date hereof, and the Petitioner must comply at all times with Louisiana law.3. The Commission reserves the right to review the transaction structures in the future in order to ensure that they are in compliance with the provisions of this Order.4. The Commission's Order is based upon, and limited to, the facts and circumstances as set forth by TDCC in its Petition.5. Petitioner shall provide the Commission with notice of any material change in the facts and circumstances set forth herein, which shall be subject to Commission review and approval, with notice and opportunity to comment to be given to the parties in this proceeding. The identity of NewCo will be provided to the Commission within 30 days of such determination. Moreover, the "material changes" referenced above in this paragraph include, but are not limited to, any change in the Parties and/or the percentage of Leasehold or Unleased Interest in the Facilities and/or the financial structure of the project.6. All future petitions will be considered on their own set of facts, and this Order shall set no precedent as to future petitions that may be filed with the Commission.7. This Order is conditioned upon the Facilities retaining their status as QFs, including but not limited to satisfying the operating efficiency and ownership requirements set forth in PURPA, 16 U.S.C. § 796, <i>et seq.</i>, and FERC regulations, 18 C.F.R. § 292.201, <i>et seq.</i>, for qualifying facility status.8. Any sales of electricity by TDCC, for itself or acting as agent on behalf of NewCo, must be to an electric public utility as defined by La. R.S. 45:121, or wholesale sales subject to FERC jurisdiction. This Order does not affect any Commission regulation over Parties in Interest as a customer of or supplier to EGSL.9. This Order does not affect any regulatory authority the Commission may have or exercise over the sale of electricity by or to Parties in Interest, or EGSL.10. In the event that NewCo elects to purchase stand-by/backup power, it shall secure its own contract with EGSL for such power and in no event shall NewCo purchase, share, or otherwise receive the stand-by/backup purchased by TDCC under its contract with EGSL.

	<p>11. This finding does not affect the Commission’s authority over any agreements entered into by the Parties in Interest, including but not limited to any right to sell excess energy to such utility pursuant to PURPA, nor does it affect the Commission’s avoided cost regulations and rules on affiliate transactions.</p> <p>12. No lease payments made for the Leasehold Interest shall be based on or tied to power production or to the value of capacity and/or energy sold into the wholesale market.</p> <p>13. The Commission does not disavow any of its regulatory authority and reserves all jurisdictional rights and power to regulate the business of electric public utilities.</p> <p>14. TDCC and NewCo shall separately be in control of any sales of their respective excess power into the wholesale market, although TDCC may act as NewCo’s agent and make such sales for NewCo’s benefit. Any such sales may be made through a FERC- authorized wholesale power marketer. NewCo will obtain the necessary authorization from FERC to make sales of the excess power into the wholesale market.</p> <p>15. This Order is effective immediately.</p>
Ex. 5	<p>S-33490 - Northeast Louisiana Power Cooperative Inc., ex parte. In re: Application for Approval of Advanced Metering System Program.</p> <p>In re: Discussion and possible vote to hire outside consultant.</p> <p>On motion of Commissioner Boissiere, seconded by Commissioner Campbell, with Commissioner Holloway and Commissioner Angelle concurring and Commissioner Skrmetta temporarily absent, the Commission voted to hire Henderson Ridge Consulting, Inc. to assist Staff in review of the filing throughout completion of the docket for a budget of \$22,800 in fees, \$1,200 in expenses, for a total not to exceed budget of \$24,000.</p>
Ex. 6	<p>X-33480 - Louisiana Public Service Commission, ex parte. In re: Audit of Purchased Gas Adjustment filings for Trans Louisiana Gas Company and Louisiana Gas Service Company (Regulatory Divisions of Atmos Energy Corporation) for the period of April 2012 through March 2014.</p> <p>In re: Discussion and possible vote to hire outside consultant.</p> <p>On motion of Commissioner Angelle, seconded by Commissioner Holloway, with Commissioner Campbell concurring and Commissioner Boissiere and Commissioner Skrmetta temporarily absent, the Commission voted to hire Exeter Associates to assist Staff throughout completion of the docket for a proposed budget of \$25,500 in fees, \$1,700 in expenses, for a total not to exceed budget of \$27,200.</p>
Ex. 7	<p>ClecoPower LLC, ex parte. In re: potential Renewable Energy Recovery Waste Heat Project with Cabot</p> <p>In re: Discussion and possible vote to hire outside consultant.</p> <p>On motion of Commissioner Angelle, seconded by Commissioner Campbell, with Commissioner Holloway concurring and Commissioner Boissiere and Commissioner Skrmetta temporarily absent, the Commission voted to hire Henderson Ridge Consulting to assist the Staff throughout completion of the docket for a budget of \$24,525 in fees, \$1,200 in expenses, for a total budget of \$25,725.</p>
Ex. 8	<p>Louisiana Public Service Commission, ex parte. In re: Investigation into the ability of SWEPCO to maintain service during severe weather events, and authority to hire outside assistance.</p> <p>In re: Discussion and possible vote to hire outside consultant.</p> <p>On motion of Commissioner Angelle, seconded by Commissioner Campbell, with Commissioner Holloway concurring and Commissioner Boissiere and Commissioner Skrmetta</p>

	temporarily absent, the Commission voted to hire Resolved Energy Consulting to assist Staff throughout the completion of the docket for a proposed budget of \$28,000 in fees, \$1,500 in expenses, for a total not to exceed budget of \$29,500.
Ex. 9	<ul style="list-style-type: none"> 1) Reports 2) Resolutions 3) Discussions 4) ERSC/OMS Business 5) Directives
Ex. 10	<p>S-33152 - Budget PrePay, Inc., D/B/A Budget Mobile, ex parte. In re: Application of Budget PrePay, Inc. d/b/a Budget Mobile for Expanded Designation as a Lifeline-Only Eligible Telecommunications Carrier in Louisiana.</p> <p>In re: Discussion and Possible Vote on a Motion to Reconsider the Commission’s Denial of Budget Prepay Inc. d/b/a Budget Mobile’s application to expand their designation to provide Lifeline Only Eligible Telecommunication Carrier services. The Motion shall also include a remand of said application to staff to look at what area Budget was expanding services to and how many carriers provide such areas in that region already.</p> <p>On motion of Commissioner Holloway, seconded by Commissioner Angelle, with Commissioner Boissiere and Commissioner Skrmetta concurring and Commissioner Campbell temporarily absent, the Commission voted to reconsider the Commission’s denial of Budget’s application to expand its designation to provide Lifeline ETC services at the February 26, 2015 B&E.</p> <p>On motion of Commissioner Holloway, seconded by Commissioner Angelle, with Commissioner Boissiere and Commissioner Skrmetta concurring and Commissioner Campbell temporarily absent, the Commission voted that the order previously made by the Commission be vacated and the matter be remanded to the LPSC Staff to gather information on the number of Lifeline carriers providing Lifeline services in the areas where Budget is seeking expansion.</p>
Ex. 11	<p>S-33492 - Dixie Electric Membership Corporation (DEMCO), ex parte. In re: 2014 Formula Rate Plan Annual Report.</p> <p>In re: Discussion and Possible Vote on Joint Report and Motion for Entry of Order Accepting the Report.</p> <p>On motion of Commissioner Angelle, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to accept the Joint Report and draft order as filed into the record on March 19, 2015.</p>
Ex. 12	<p><u>Directive from Commissioner Angelle regarding Electricity Bills</u></p> <p>Commissioner Angelle directed the Commission Staff to work with jurisdictional electric utility companies to ensure that they are appropriately disclosing fuel factors on monthly electric bills. He also recognized that some jurisdictional electric utilities include on monthly bills a graph depicting each customer’s trailing 13 months of usage. Viewing this as a good practice, he asked the Staff to reach out to the electric utility companies that do not currently have the graphical display to see what costs, software changes, etc. may be involved in including the information on monthly bills.</p>

On motion of Commissioner Skrmetta, seconded by Commissioner Holloway, and unanimously adopted, the Commission voted to adjourn.

MEETING ADJOURNED

The next Business and Executive Session will be held on Thursday, April 16, 2015 at 9:00 a.m. in Baton Rouge, Louisiana.